



1651

## In the United States Patent & Trademark Office

In re Application of:  
**Clausell, A. et al.**

Serial No.: 09/978,498

Filed on: October 15, 2001

For: *Reagents for Improved Cell-Based Assays*

Examiner: Prats, F.

Art Unit: 1651

Atty Dkt. No.: 2055-181

### Reply To Notice of Non-Compliant Amendment

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In Response to the Notice of Non-Compliant Amendment (Voluntary Revised Practice) of November 11, 2003, issued with respect to the above-identified patent application, and for which a Reply is due by December 13, 2003, Applicants respectfully request entry and consideration of this Reply comprising Introductory Comments, Amendments to the Claims, and Remarks.

## Introductory Comments

This Reply has been formatted in attempted compliance with the proposed revisions to 37 CFR 1.121. There are no requested Amendments to the Specification.

This present Reply is intended to replace and supersede Applicants' Reply filed on October 21, 2003 ("Prior Reply"). The Prior Reply was found to be non-compliant with the voluntary revised amendment practice guidelines in that the language employed with respect to claims 1-4 and 56-95 appeared to fail to clearly indicate whether these claims were to be cancelled from the application or merely withdrawn from further consideration. This present Reply thus responds to such Notice of non-compliant amendment.

Applicants appreciate the assistance of Ms. Dorothy Thomas, who advised Applicants to file a full and superseding Reply to the Official Action of July 23, 2003, issued with respect to the above-identified patent application as though the Prior Reply had not been filed. Applicants greatly regret any inconvenience to the United States Patent & Trademark Office.

No fee is believed to be due in order for the timely consideration of this Reply. If, however, the Commissioner determines that a fee is required for such consideration, then the Commissioner is authorized to charge any (Large Entity) fee required for consideration of this submission to Deposit Account 50-0548.